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COMPILED LAWS ANNOTATED

WATER POLLUTION CONTROL ACT OF 1970 [NEW]

Caption editorially supplied.

P.A. 1970, No. 167, Eff. Jan. 1, 1971

AN ACT to regulate the disposal of oil and sewage from watercraft; and to prohibit littering of waterways.

The People of the State of Michigan enact:

323.331 Short title

Sec. 1. This act shall be known and may be cited as the "watercraft pollution control act of 1970".

P.A. 1970, No. 167, § 1, Eff. Jan. 1, 1971.

P.A. 1970, No. 167, § 12 provided that the act should take effect January 1, 1971. It was ordered to take immediate effect and was approved August 3, 1970.

323.332 Definitions

Sec. 2. As used in this act:

(a) "Act" means Act No. 245 of the Public Acts of 1929, as amended, being sections 323.1 to 323.12a of the Compiled Laws of 1948.

(b) "Commission" means the water resources commission of the department of natural resources.

(c) "Litter" means all rubbish, refuse, waste material, garbage, offal, paper, glass, cans, bottles, trash, debris or other foreign substances of every kind and description.

(d) "Sewage" means all human body wastes, treated or untreated.

(e) "Oil" means oil of any kind or in any form, including but not limited to petroleum, fuel oil, sludge and oil refuse.

(f) "Marine toilet" means any toilet on or within a watercraft used to discharge sewage.

(g) "Watercraft" means any contrivance used or capable of being used for navigation upon water, whether or not capable of self-propulsion, including foreign and domestic vessels engaged in commerce upon the waters of this state, passenger or other cargo-carrying vessels and privately owned recreational watercraft.

(h) "Waters of this state" means all of the waterways on which watercraft may be used or operated including, but not limited to, the Great Lakes and connecting waterways under the jurisdiction of this state.

(i) "Person" means an individual, partnership, firm, corporation, association or other entity.

(j) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying or dumping.

P.A. 1970, No. 167, § 2, Eff. Jan. 1, 1971.

323.333 Litter, sewage, oil, garbage, or other materials rendering water unsightly, noxious, or unwholesome; prohibition

Sec. 3. (1) A person shall not place, throw, deposit, discharge or cause to be discharged into or onto the waters of this state, any litter, sewage, oil or other liquid or solid materials which render the water unsightly, noxious or

otherwise unwholesome so as to be detrimental to the public health or welfare or to the enjoyment of the water for recreational purposes.

(2) It is unlawful to discharge, dump, throw or deposit garbage, litter, sewage or oil from a recreational, domestic or foreign watercraft used for pleasure or for the purpose of carrying passengers, cargo or otherwise engaged in commerce on the waters of this state.

P.A. 1970, No. 167, § 3, Eff. Jan. 1, 1971.

323.334 Watercraft, moored or registered in another jurisdiction, pollution control device approved by other jurisdiction; marine toilets, requirements

Sec. 4. (1) Any pleasure or recreational watercraft operated on the waters of this state which is moored or registered in another state or jurisdiction, if equipped with a pollution control device approved by that jurisdiction, may be approved by the commission to operate on the waters of this state.

(2) A person owning, operating or otherwise concerned in the operation, navigation or management of a watercraft having a marine toilet shall not own, use or permit the use of such toilet on the waters of this state unless the toilet is equipped with 1 of the following pollution control devices:

(a) A holding tank or self-contained marine toilet which will retain all sewage produced on the watercraft for subsequent disposal at approved dockside or onshore collection and treatment facilities.

(b) An incinerating device which will reduce to ash all sewage produced on the watercraft. The ash shall be

disposed of onshore in a manner which will preclude pollution.

P.A. 1970, No. 167, § 4, Eff. Jan. 1, 1971.

323.335 Marinas, operating on bottom lands under state lease or permit, pump-out facilities for marine toilets, necessity; noncompliance, effect, notice, hearing

Sec. 5. All marinas operating on the bottomlands of the Great Lakes under lease from the department of natural resources under Act No. 247 of the Public Acts of 1955, as amended, being sections 322.701 to 322.715 of the Compiled Laws of 1948 and all those operating on the bottomlands of inland lakes and streams under permit from the department of natural resources under Act No. 291 of the Public Acts of 1965, as amended, being sections 281.731 to 281.752 of the Compiled Laws of 1948 if selling marine fuel or otherwise providing a dockside service center shall provide pump-out facilities approved by the department of public health for marine toilet holding tanks on pleasure watercraft. Failure to comply with the provisions of this section by any marina owner or operator is just cause for revoking the permit or prohibiting the issuance of a lease for the use of the state's bottomlands. The owner or operator of a marina shall be given written notice and opportunity of hearing before any action is taken.

P.A. 1970, No. 167, § 5, Eff. Jan. 1, 1971.

323.335a Marinas of Michigan waterways commission, pump-out facilities

Sec. 5a. All marinas owned and/or operated or leased by the Michigan waterways commission shall by July 1, 1971 provide pump-out facilities approved by the depart-

ment of public health for marine toilet holding tanks or pleasure and commercial watercraft.

P.A. 1970, No. 167, § 5a, Eff. Jan. 1, 1971.

323.335b Marinas or docks of state or local government, pumping station

Sec. 5b. Any marina or dock which is equipped to handle watercraft of the size capable of being equipped with a marine toilet, owned, leased or operated by the state, any of its departments or agencies or any local unit of government shall maintain a pumping station for pumping out the holding tank required on watercraft.

P.A. 1970, No. 167, § 5b, Eff. Jan. 1, 1971.

323.335c Exempt marinas and docks, pump-out facilities

Sec. 5c. Any marina or dock that holds 15 watercraft or less is exempt from section 5 of this act.^[1]

P.A. 1970, No. 167, § 5c, Eff. Jan. 1, 1971.

323.336 Marine toilets and pollution control devices, boat plate registration application, disclosure of existence; reports as to nonexistence

Sec. 6. An applicant for a boat plate registration for a watercraft pursuant to section 1a of Act No. 70 of the Public Acts of 1911, as amended, being section 207.51a of the Compiled Laws of 1948 shall disclose at such time to the commission whether the watercraft has in or on it a marine toilet, and if so, whether the toilet is equipped with a pollution control device as required by this act. The

[1]

Section 323.335.

commission may request the secretary of state to provide it with the name of registrant whose registration indicates the absence of such pollution control device on a marine toilet.

P.A. 1970, No. 167, § 6, Eff. Jan. 1, 1971.

323.337 Oil or oily wastes, discharge, prohibition; removal; duty; cost of removal by state, persons liable, actions

Sec. 7. (1) A person owning, operating or otherwise concerned in the operation, navigation or management of a watercraft operating on the waters of this state shall not discharge or permit the discharge of oil or oily wastes from the watercraft into or onto the waters of this state if the oil or oily wastes threaten to pollute or contribute to the pollution of the waters or adjoining shorelines or beaches.

(2) The owner or operator of any watercraft who, whether directly or through any person concerned in the operation, navigation or management of the watercraft, discharges or permits or causes or contributes to the discharge of oil or oily wastes into or onto the waters of this state or adjoining shorelines or beaches shall immediately remove the oil or oily wastes from the waters, shorelines or beaches. If the state removes the oil or oily wastes which were discharged by an owner or operator, the watercraft and the owner or operator are liable to the state for the full amount of the costs reasonably incurred for its removal. The state may bring action against the owner or operator to recover such costs in any court of competent jurisdiction.

P.A. 1970, No. 167, § 7, Eff. Jan. 1, 1971.

323.338 Inspection of watercraft and waterside facilities; commercial docks and wharfs, facilities required to prevent pollution

Sec. 8. All watercraft moored, operated or located upon the waters of this state are subject to inspection by the commission, any lawfully designated agent or inspector thereof or any peace, conservation or police officer for the purpose of determining if the watercraft is equipped in compliance with the requirements of this act. The commission may inspect marinas and other waterside facilities used by watercraft for launching, docking or mooring purposes to determine if they are equipped with trash receptacles, sewage disposal equipment or both. Commercial docks and wharfs designed for receiving and loading cargo and/or freight from commercial watercraft must furnish facilities, if determined necessary, as prescribed by the commission, to accommodate discharge of sewage from heads and galleys, and for deposit of litter, garbage, trash, or bilge waters from the watercraft which utilize the docks or wharfs.

P.A.1970, No. 167, § 8, Eff. Jan. 1, 1971.

323.339 Exclusive state regulation of disposal or discharge of watercraft sewage, litter, and oil

Sec. 9. The state fully reserves to itself the exclusive right to establish requirements with reference to the disposal or discharge of sewage, litter and oil from all watercraft. In order to assure statewide uniformity, the regulation by any political subdivision of the state of waste disposal from watercraft is prohibited.

P.A. 1970, No. 167, § 9, Eff. Jan. 1, 1971

323.340 Rules

Sec. 10. The commission may promulgate all rules necessary or convenient for the carrying out of duties and powers conferred by this act.

P.A. 1970, No. 167, § 10, Eff. Jan. 1, 1971

323.341 Violations, penalties; permitting compliance with other maritime, marine, and navigation requirements

Sec. 11. Any person who violates any provision of this act is guilty of a misdemeanor and shall be fined not more than \$500.00. To be enforceable, the provision or the rule shall be of such flexibility that a watercraft owner, in carrying out the provision or rule, is able to maintain maritime safety requirements and comply with the federal marine and navigation laws and regulations.

P.A. 1970, No. 167, § 11, Eff. Jan. 1, 1971

323.342 Effective date

Sec. 12. This act shall take effect January 1, 1971.

P.A. 1970, No. 167, § 12, Eff. Jan. 1, 1971

P.A. 1970, No. 167 was ordered to take immediate effect and was approved August 3, 1970.